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to decree that neither party should again marry upon ground that both had previously been divorced, under Code 1904, § 2265, providing that, in granting divorce for adultery, court may prohibit guilty party from again marrying; such statute having no application to abandonment cases, and court having no right to impose restriction on marriage of divorced party without statutory grant of power.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 748.]

**2. Divorce (§ 154\*)—Final Decree—Reinstatement of Suit—Motion without Notice.**—Court, in granting divorce against nonresident defendant, had no authority to include therein provision giving either party an indefinite time after final decree had been rendered, and case stricken from docket, in which to move to reinstate the suit, without notice, notwithstanding Code 1904, §§ 3233, 3293.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 334.]

Appeal from Corporation Court of Lynchburg.

Bill by Mary E. Shelton against John Henry Shelton. From decree in her favor, petitioner appeals. Reversed, with directions.

*Jas. H. Guthrie*, of South Boston, for appellant.

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JOHNSON *v.* ATLANTIC COAST LINE R. CO.

June 12, 1919.

[99 S. E. 558.]

**1. Trial (§ 156 (3)\*)—Demurrer to Evidence—Admission.**—It is a rule of decision on demurrer to plaintiff's evidence that the evidence must be taken as true; conflicting evidence for defendant being disregarded.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 522.]

**2. Carriers (§ 298 (1)\*)—Carriage of Passengers—Injury.**—The right of action of a railroad's passenger for being thrown from a car platform to the ground when the car lurched forward with a jerk is unaffected by the fact that the jerk was caused by the stopping of the train at a crossing to wait for signals before pulling into a station, a fact of which the passenger was not apprised.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 702.]

**3. Carriers (§ 303 (4)\*)—Carriage of Passengers—Injuries.**—If a railroad announces a station, though in compliance with Code 1904, § 1294d, cl. 6, throws open the door of the car, and apparently stops the train, and when a passenger comes out to alight, suddenly starts the train with a jerk, and throws the passenger off, the latter has a cause of action for her injuries.

[Ed. Note.—For other cases, see 16 Va.-W. Va. Enc. Dig. 253.]

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Error to Circuit Court of City of Suffolk.

Action by Lois Johnson, by next friend, against the Atlantic Coast Line Railroad Company. To review a judgment sustaining a demurrer to her evidence, plaintiff brings error. Reversed.

*Jas. H. Corbitt* and *John K. Hutton*, both of Suffolk, for plaintiff in error.

*Mann & Townsend* and *Wm. B. McIlwaine*, all of Petersburg, for defendant in error.

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BLISS *v.* SPENCER.

June 12, 1919.

[99 S. E. 593.]

**1. Appeal and Error (§ 220\*)—Absence of Exception to Commissioner's Report—Assignment of Error.**—Where decree in suit to compel an accounting by plaintiff's guardian was based on the report of a master commissioner to which no exception was taken by the guardian, and the disallowance of certain commissions does not appear on the face of the report, the guardian's assignment of error thereto comes too late.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 565.]

**2. Guardian and Ward (§ 30 (1)\*)—Delegation of Control of Expenditures.**—The guardian of a minor cannot devolve upon his ward the duty to regulate her own expenditures for support even with the consent of the ward, and cannot delegate such duty to any other person, thus escaping responsibility for disbursements in excess of the income of the ward made without authority of instrument under which he acts, or, if there is none, without previous authority of the court.

**3. Guardian and Ward (§ 30 (3\*))—Disbursements in Excess of Income—Allowance—Statute.**—Under Code 1904, § 2604, a guardian will not be allowed credit in the settlement of his accounts for disbursements for the support and education of his ward in excess of the income from her estate, unless the disbursements were such as the court would have authorized on previous application; a matter on which the interest of the ward is controlling.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 820.]

**4. Guardian and Ward (§ 157\*)—Injudicious Expenditures—Sufficiency of Evidence.**—In suit to compel an accounting by plaintiff's guardian all income received from her estate, evidence held to show that expenditures for the support and education of plaintiff permitted

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.